

SECOND NOTICE OF COMMENT PERIOD

LSA Document #12-392

TEMPORARY ALTERNATIVE OPACITY LIMITATIONS AT AEP ROCKPORT GENERATING STATION**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a new rule at [326 IAC 5-1-8](#) concerning temporary alternative opacity limitations (TAOL) for the AEP Rockport Generating Station. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: July 11, 2012, Indiana Register (DIN: [20120711-IR-326120392FNA](#)).

CITATIONS AFFECTED: [326 IAC 5-1-8](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

Indiana Michigan Power Company (dba American Electric Power (AEP)) operates a coal-fired electric generating station in Rockport (Spencer County), Indiana, consisting of two units, boiler Units #1 and #2. Both of these units are subject to the New Source Performance Standard (NSPS) for Fossil-Fuel-Fired Steam Generators. Since the NSPS does not apply emission limits during startup and shutdown, the opacity limit at [326 IAC 5-1-2](#) applies to these units during startup and shutdown. State rules at [326 IAC 5-1-2](#) require a 40% opacity limit for any six minute averaging period. When building a new fire in a boiler, or shutting down a boiler, opacity is limited to 60% for any six minute averaging period for not more than two six minute averaging periods in 24 hours ([326 IAC 5-1-3\(a\)](#)). Historically, boilers that use fuel oil as a startup fuel and have an electrostatic precipitator (ESP) as a control device have trouble meeting an opacity limit until the exhaust gases have reached a certain temperature. The ESP cannot be safely engaged until the control device has reached an appropriate temperature. To address this issue, IDEM amended [326 IAC 5-1-3](#) in 1998 by adding a new subsection (e) to allow sources that had existing startup and shutdown conditions in their construction or operating permits to be exempt from the opacity limit until the exhaust gases achieved a temperature of 250 degrees Fahrenheit at the inlet of the baghouses or ESP. The United States Environmental Protection Agency (U.S. EPA) approved this new exemption provision, along with a process for other sources to obtain temporary alternative opacity limitations, into Indiana's State Implementation Plan (SIP) on July 16, 2002. U.S. EPA approved the limited exemption from opacity limits in [326 IAC 5-1-3\(e\)](#) based on a modeling analysis assessing the worst-case impact showing that the exemption would not jeopardize continued attainment of the particulate matter air quality standard (PM₁₀). AEP Rockport's units did not have preexisting opacity exemptions in their permits at that time, and therefore, are not part of the limited exemption in [326 IAC 3-5-1\(e\)](#).

Indiana's opacity rules at [326 IAC 5-1-3\(d\)](#) allow a source to request a TAOL for periods of startup or shutdown of a boiler. AEP has requested a TAOL for both boilers (Units #1 and #2) at its Rockport Generating Station. IDEM is proposing a TAOL that limits the exemption during startup to 2 hours (1.5 hours for shutdown) or until the flue gas temperature reaches 250 degrees Fahrenheit, whichever occurs first. The proposed TAOL is similar to what the source has proposed in an appeal of the Title V permit. IDEM has conducted modeling that indicates the TAOL would not impact maintenance of air quality standards. Spencer County was recently designated as attainment for fine particulate matter (PM_{2.5}). The TAOL will be submitted to U.S. EPA as a SIP revision.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. The opacity limits in the federal NSPS do not apply during startup and shutdown, and instead the opacity limits at [326 IAC 5-1-2\(1\)](#) and [326 IAC 5-1-3\(a\)](#) and [326 IAC 5-1-3\(b\)](#) apply during startup and shutdown. The proposed TAOL will provide an alternative compliance option to those limits currently imposed under state law for the AEP Rockport Generating Station. The new TAOL will be imposed under federal law once it is approved by U.S. EPA into the Indiana SIP.

Potential Fiscal Impact

There is no cost associated with this rulemaking. The alternative opacity limits will allow the two units at AEP Rockport Generating Station to comply with opacity limits similar to units at other power plants that are already

allowed to use similar limits under current state law.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Susan Bem, Rules Development Branch, Office of Legal Counsel at (317) 233-5697 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 11, 2012, through August 10, 2012, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

Indiana Michigan Power Company/American Electric Power (AEP)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The commenter appreciates the opportunity to comment on the potential development of specific rule language for the Rockport Plant TAOL that has been requested as part of the initial Title V permit issued to the source. Since that time the Title V permit opacity provision containing the TAOL has been under appeal and Indiana Michigan Power has been working with IDEM to develop permit language acceptable to both parties as part of the settlement of the larger permit appeal. IDEM has not previously incorporated any TAOLs for startup and shutdown, as is contemplated by the TAOL being developed for Rockport. The TAOL language in [326 IAC 5-1-3\(e\)](#) does not appear to require incorporation into [326 IAC 5](#), just U.S. EPA approval as a SIP revision. In working with the Office of Air Quality (OAQ) Permits Branch to resolve the overall Title V appeal, it has been the commenter's understanding that the TAOL would be submitted to U.S. EPA without any rulemaking being necessary. (AEP)

Response: In order for U.S. EPA to approve the TAOL into the SIP it needs to be permanent and enforceable. Adding the TAOL to [326 IAC 5-1](#) will provide a mechanism for IDEM to submit the TAOL to U.S. EPA for SIP approval.

Comment: If IDEM incorporates the TAOL into rule language, IDEM should use the current version of the TAOL language from settlement negotiations. The rule should not be finalized until such time as the permit appeal is settled. (AEP)

Response: IDEM agrees and has used the draft settlement language supplied by the commenter in the draft rule. The shutdown language specifies that the shutdown period begins when the flue gas temperature has dropped below 250 degrees Fahrenheit. U.S. EPA does not consider it appropriate to allow the shutdown TAOL if the exhaust temperature exceeds 250 degrees Fahrenheit. IDEM will hold off on finalizing the rule until the appeal is final. IDEM is also working with U.S. EPA to ensure that the TAOL will be approved into the SIP. One of the requirements of [326 IAC 5-1-3\(d\)](#) is that the source demonstrates that during periods of startup and shutdown the TAOL will not impact the maintenance of the National Ambient Air Quality Standards (NAAQS). Modeling conducted by IDEM indicates that the proposed TAOL will not impact the maintenance of the NAAQS.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #12-392 Opacity TAOL
Susan Bem
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Mail Code 61-49
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903.

(3) By electronic mail to sbem@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than March 14, 2014. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Susan Bem, Rules Development Branch, Office of Legal Counsel, (317) 233-5697 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 5-1-8](#) IS ADDED TO READ AS FOLLOWS:

[326 IAC 5-1-8](#) Site-specific temporary alternative opacity limitations

Authority: [IC 13-14-8](#); [IC 13-17](#)

Affected: [IC 13-11](#)

Sec. 8. In accordance with section 3(d) of this rule, Indiana Michigan Power Company (dba American Electric Power) Rockport Units #1 and #2, located in Spencer County, when burning fuels identified in section 3(d)(1) of this rule, shall comply with the following temporary alternative opacity limitations:

- (1) When building a new fire in a boiler, opacity may exceed the applicable limitation established in section 2 of this rule for a period not to exceed a total of two (2) hours (twenty (20) six (6) minute averaging periods) during the startup period, or until the flue gas temperature reaches two hundred fifty (250) degrees Fahrenheit at the inlet of the electrostatic precipitators, whichever occurs first.
- (2) When shutting down a boiler, opacity may exceed the applicable limitation established in section 2 of this rule once the flue gas temperature has dropped below two hundred fifty (250) degrees Fahrenheit at the inlet of the electrostatic precipitators for a period not to exceed a total of one and one-half (1.5) hours (fifteen (15) six (6) minute averaging periods) during the shutdown period.

(Air Pollution Control Division; [326 IAC 5-1-8](#))

[Notice of Public Hearing](#)

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An [html](#) version of this document.